

ON 4/26/2012  
Julie A. Richards, Clerk  
US District Court  
Eastern District of NC

## ORDER

To obtain a commitment order against Wilson, the government must establish three facts by clear and convincing evidence: (1) that Wilson “has engaged or attempted to engage in sexually violent conduct or child molestation,” *id.* § 4247(a)(5); (2) that Wilson currently “suffers from a

serious mental illness, abnormality, or disorder”; and (3) as a result of the serious mental illness, abnormality, or disorder, that Wilson “would have serious difficulty in refraining from sexually violent conduct or child molestation if released.” Id. § 4247(a)(6); see United States v. Wooden, No. 11-7226, 2012 WL 3855641, at \*1 (4th Cir. Sept. 6, 2012); United States v. Francis, 686 F.3d 265, 268, 274 (4th Cir. 2012); United States v. Hall, 664 F.3d 456, 461 (4th Cir. 2012); United States v. Comstock, 627 F.3d 513, 515–16 (4th Cir. 2010), cert. denied, 131 S. Ct. 3026 (2011).

On April 24, 2012, the court held a bench trial. On September 28, 2012, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. Although Wilson has engaged in sexually violent conduct, the United States has failed to prove by clear and convincing evidence that Wilson is a sexually dangerous person as defined in the Adam Walsh Act. Accordingly, judgment shall be entered in favor of the respondent, Alfred Lee Wilson, and against the petitioner, the United States. The court ORDERS the United States to release Wilson.

SO ORDERED. This 28 day of September 2012.

  
JAMES C. DEVER III  
Chief United States District Judge